

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GEORGE SPILLER, Jr.,)
)
)
Plaintiff,)
)
)
vs.) **Case No. 4:07CV1557 RWS**
)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
)
Defendant.)

MEMORANDUM AND ORDER

This is an action under 42 U.S.C. § 405(g) for judicial review of the final decision of Michael J. Astrue, the Commissioner of Social Security, denying George Spiller's disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-433, and supplemental security income benefits under Title XVI of the Act, 42 U.S.C. §§ 1381-1383b. Pending is the unopposed motion of the Commissioner to remand this case to the Appeals Council pursuant to sentence four of 42 U.S.C. § 405(g).

This matter was referred to United States Magistrate Judge Thomas C. Mummert, III, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Mummert's Report and Recommendation recommends that the decision of the Commissioner be reversed and the case be remanded for further proceedings.

I agree with Judge Mummert's recommendation. Therefore, I adopt the Report and Recommendation of Judge Mummert.

Accordingly,

IT IS HEREBY ORDERED that the decision of the Commissioner is REVERSED and that this case is REMANDED for further proceedings as set forth in Judge Mummert's Report and Recommendation.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 4th day of June, 2008.